

HOUSE No. 2827

By Mr. Dempsey of Haverhill, petition of Brian S. Dempsey relative to the payment of funeral expenses for indigent persons. Children and Families.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO DECEASED POOR AND INDIGENT PERSONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 117A of the General Laws is hereby
2 amended by striking out section 9 and inserting in place thereof
3 the following section:—

4 Section 9. The department shall provide for the decent final dis-
5 position of all deceased persons who are at the time of death
6 recipients of aid or assistance under this chapter, all deceased per-
7 sons who, although without means of support at the time of death,
8 did not apply for such aid or assistance; and all unknown persons
9 found dead. The expense thereof may be recovered of their kin-
10 dred, if any, chargeable by law for their support in the manner
11 provided in this chapter; and if the expense of their funeral and
12 final disposition is not paid by such kindred, an amount not
13 exceeding \$1,100 shall be paid by the commonwealth to the
14 funeral establishment; provided further, that the commonwealth
15 shall have the right of reimbursement from whatever resources
16 may exist in the estate of said person.

1 SECTION 2. Said chapter 117A is hereby further amended by
2 striking out section 10 and inserting in place thereof the following
3 section:—

4 Section 10. In case of the decease of a poor and indigent person
5 the commonwealth shall pay toward the expense of the funeral
6 and final disposition of such person a sum not exceeding eleven

7 hundred dollars to the funeral establishment; provided, however,
8 that the commonwealth shall have the right of reimbursement
9 from whatever resources may exist in the estate of said person.

1 SECTION 3. Section 2 of chapter 118 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out the third paragraph and inserting in place thereof the
4 following paragraph:—

5 “The department may pay a sum not exceeding \$1,100 toward
6 the funeral and final disposition of a recipient to the funeral estab-
7 lishment provided that there are insufficient resources to pay for
8 the cost of such funeral and final disposition. The commonwealth
9 shall have the right of reimbursement from whatever resources
10 may exist in the estate of the recipient.”

1 SECTION 4. Chapter 118A of the General Laws is hereby
2 amended by striking out section 7 and inserting in place thereof
3 the following section:—

4 Section 7. The department shall provide to aged and disabled
5 residents of the commonwealth under this chapter a program of
6 social services as enumerated under section 2 of chapter 18. In
7 addition to the other benefits authorized by this chapter, the
8 department may provide to such recipients grants of assistance in
9 cases of fire, flood, or other disaster. The department may pay a
10 sum not exceeding \$1,100 toward the funeral and final disposition
11 of a recipient to a funeral establishment provided that there are
12 insufficient resources to pay for the cost of such funeral and inter-
13 ment. The commonwealth shall have the right of reimbursement
14 from whatever resources may exist in the estate of the recipient.

1 SECTION 5. Section 23 of chapter 119 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out the fifteenth paragraph and inserting in place thereof
4 the following paragraph:—

5 “H. The department may pay a sum not exceeding \$1,100 the
6 funeral and final disposition of a child in its care to a funeral
7 establishment provided that there are insufficient resources to pay
8 for the cost of such funeral and final disposition. The common-
9 wealth shall have the right of reimbursement from whatever
10 resources may exist in the estate of the child.”